



DEPARTMENT OF ENVIRONMENTAL PROTECTION

Monthly Enforcement Report for actions during December 2006

DISTRIBUTED: January 5, 2006

This report has been prepared to satisfy a statutory obligation DEP has to inform the public of certain enforcement resolutions. This report does not include summaries of the hundreds of compliance related activities occurring every month because it is impractical to capture a sampling of those activities that would be representative of that work. Please contact Peter Carney at (207) 287-4305 or Peter.J.Carney@Maine.gov for additional information regarding the activities listed in this report.

The following cases were resolved to achieve compliance with the law; remediate environmental damage; restore natural resources to appropriate conditions; and, impose and deter similar actions in the future.

Administrative Consent Agreements Approved by the Board of Environmental Protection and Department of the Attorney General (violator followed by location of violation):

Silvex Incorporated, Westbrook, Maine. Silvex Incorporated ("Silvex") violated provisions of the *Maine Hazardous Waste, Septage and Solid Waste Management Act* and the Department's rules concerning *Identification of Hazardous Wastes and Standards for Generators of Hazardous Waste*. Silvex failed to mark containers of hazardous waste as hazardous waste, failed to mark containers of hazardous waste with accumulation start dates, failed to determine if wastes generated were hazardous, stored hazardous waste in containers that were rusted or leaking, failed to minimize unauthorized entry to the facility's hazardous waste storage area, failed to submit amendments to the facility's Integrated Contingency Plan to the Department, failed to provide a device such as a telephone that is immediately available and capable for summoning emergency response assistance in areas where waste is handled, failed to execute mutual aid agreements in writing with local emergency response teams, failed to store universal waste in containers that are closed, sealed, and structurally sound, failed to mark containers of waste lamps as waste lamps, and failed to mark containers of waste lamps with accumulation start dates. In response to a Department-issued Notice of Violation, Silvex represented to the Department that all necessary corrective action had been taken, or would be taken, to correct the violations. To resolve the violations, Silvex paid \$11,900.00 as a civil monetary penalty.

Prime Tanning Company, Inc., Berwick, Maine. Prime Tanning Company, Inc. ("Prime") violated provisions of Maine's *Protection and Improvement of Air* laws, the Department's *Air Emission License Regulations*, and provisions of the facility's air emissions license. Prime failed to timely submit an application to the Department for renewal of the facility's air emissions license and exceeded its license limits concerning the emission of Hazardous Air Pollutants. To resolve the violations, Prime paid \$51,000.00 as a civil monetary penalty.

Boralex Livermore Falls, Inc., Livermore Falls, Maine. Boralex Livermore Falls, Inc. ("Boralex"), violated provisions of the facility's air emissions license by exceeding license limits for opacity and failed to timely submit to the Department a required semiannual report. To resolve the violations, Boralex paid \$2,575.00 as a civil monetary penalty.

Rusty Peters d/b/a R&R Construction, Whitefield, Maine. Rusty Peters d/b/a R&R Construction ("Peters") violated Maine's *Asbestos* laws and the Department's *Asbestos Management Regulations*. Peters failed to notify the Department in writing of an intention to engage in an asbestos abatement activity involving more than three linear feet or three square feet of asbestos-containing material, failed to use licensed or certified asbestos professionals to engage in an asbestos abatement activity, failed to comply with all applicable project design requirements prior to engaging in an asbestos abatement activity, and failed to comply with all applicable work practice requirements while engaging in an asbestos abatement activity. To resolve the violations, Peters paid \$3,000.00 as a civil monetary penalty.



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Pine State Safety Lines, Inc., Topsham, Maine. Pine State Safety Lines, Inc. ("Pine State") violated provisions of the *Maine Hazardous Waste, Septage and Solid Waste Management Act* and the Department's rules concerning *Identification of Hazardous Wastes* and *Standards for Generators of Hazardous Waste*. Pine State failed to determine if wastes generated were hazardous, treated hazardous waste on-site without a license to do so, accumulated hazardous waste for more than 90 days without a license to do so, failed mark containers of hazardous waste as hazardous waste, failed to mark containers of hazardous waste with accumulation start dates, failed to keep containers of hazardous waste closed, failed to conduct and log daily inspections of the facility's hazardous waste storage area, failed to annually update arrangements with local emergency response teams, failed to have a containment and collection system in the facility's hazardous waste storage area, failed to conduct personnel training in hazardous waste management procedures, and failed to comply with special requirements for universal wastes. In response to a Department-issued Notice of Violation, Pine State performed identification and determination of hazardous wastes, shipped twenty-four fifty-five gallon drums of hazardous waste, labeled and closed hazardous waste containers, installed a collection and containment system in the facility's hazardous waste storage area, updated the facility's contingency plan, trained staff, and collected universal wastes. To resolve the violations, Pine State will pay \$19,800.00 as civil monetary penalty.

Scorpio Island Corporation, Cumberland, Maine. Scorpio Island Corporation ("Scorpio Island") violated provisions of Maine's *Natural Resources Protection Act* by placing fill adjacent to a coastal wetland. Scorpio Island did not have a permit from the Department for this activity. To resolve the violation, Scorpio Island restored the area adjacent to the coastal wetland, and paid \$3,000.00 as a civil monetary penalty.